

HOUSE JOINT RESOLUTION NO. 4

INTRODUCED BY LANGE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO INVESTIGATE OPTIONS FOR IMPROVING THE SUPPLY AND DISTRIBUTION OF WATER IN MONTANA AND TO EVALUATE THE WATER STORAGE POLICY ESTABLISHED IN SECTION ~~87-1-703~~ 85-1-703, MCA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE AND THE MONTANA CONGRESSIONAL DELEGATION.

WHEREAS, section 85-1-101, MCA, establishes the state's policies for water resources; and

WHEREAS, section 85-1-101(2), MCA, provides "The public policy of the state is to promote the conservation, development, and beneficial use of the state's water resources to secure maximum economic and social prosperity for its citizens"; and

WHEREAS, section 85-1-101(6), MCA, states "The public interest requires the construction, operation, and maintenance of a system of works for the conservation, development, storage, distribution, and utilization of water, which construction, operation, and maintenance is a single object and is in all respects for the welfare and benefit of the people of the state"; and

WHEREAS, Montana has experienced severe drought and significant floods; and

WHEREAS, the state has an opportunity and a responsibility to take proactive measures to mitigate the impacts of drought and floods by storing surplus water, ~~REDUCING WASTE, AND PROMOTING EFFICIENCY~~; and

WHEREAS, section 85-2-105, MCA, requires the Environmental Quality Council to advise the Legislature on the adequacy of the state's water policy.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) QUANTITATIVELY EVALUATE THE EFFICIENCY OF AND THE WASTE CAUSED BY AGING IRRIGATION DELIVERY SYSTEMS AND PRESCRIBE OPTIONS FOR REDUCING WASTE AND INCREASING EFFICIENCY WATER DISTRIBUTION SYSTEMS;

(2) EVALUATE MEASURES THAT PROMOTE THE EFFICIENT USE OF WATER;

~~(3) EVALUATE THE LONG-TERM IMPACT OF ANY NEW GROUND WATER APPROPRIATIONS IN CLOSED BASINS~~

RETURN FLOW IMPACTS;

(4) STUDY WATER BANKING AS A MEANS TO ALLEVIATE WATER SHORTAGES;

(4)(5) investigate options for improving the supply and distribution of water in Montana, including the development of offstream storage facilities; and

(2)(6) evaluate the water storage policy established in section ~~87-1-703~~ 85-1-703, MCA; AND

(7) EVALUATE THE EFFECTS OF EXCESSIVE FUEL LEVELS ON FEDERAL AND STATE TIMBERED LANDS TO DETERMINE THE IMPACTS OF THE USE OF AVAILABLE WATER BY TIMBER VERSUS THE AMOUNT OF WATER RELEASE BY A WATERSHED INTO MONTANA WATERCOURSES.

BE IT FURTHER RESOLVED, that the study be conducted with the participation and involvement of investors and developers and persons interested in or affected by water management, including landowners, conservation districts, the Department of Natural Resources and Conservation, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, industries, utilities, recreational water users, agricultural water users, and others.

BE IT FURTHER RESOLVED, that the study consider ways to encourage participation by the private sector, TRIBAL GOVERNMENTS, and the federal government in improving the supply and distribution of water in Montana.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature and the Montana Congressional Delegation.

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